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December 9, 2019

MEMO ENDORSED

VIA ECF

Honorable Laura Taylor Swain
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
Southern District of New York
500 Pearl Street, Courtroom 12D
New York, New York 10007-1312

USDC SDNY
DOCUMENT
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DATE FILED: 12/16/2019

RE: Collymore v. City of New York
16-CV-8270(LTS)

Dear Judge Taylor Swain:

I write to object to Judge Ona T. Wang's Memo Endorsement pursuant to Fed. R. Civ. P. 72. (ECF. Dkt. 85) Judge Wang denied Plaintiff's request for a pre-motion conference to discuss an ESI Protocol on the erroneous premise that it was premature. However, the parties' 26F Report clearly states that an ESI Protocol would be in place by or before November 22, 2019. (ECF. Dkt. 78) EDiscovery is optimized when an ESI Protocol is put in place prior to the production of documents. While Judge Wang does have an ESI Protocol template in place, her template does not address the issues initially experienced by the parties.

Defendants have proposed the use of keyword searches. As such, Plaintiff submitted the proposed draft ESI protocol for collaboration and consideration. (Exh. 1) To be clear, to ensure that Plaintiff is in receipt of all relevant and responsive documents, the parties must first agree to time frames, custodians and search terms. This has not happened to date and as such, Plaintiff respectfully requests the Court's intervention for a so ordered ESI Protocol, with the following objectives: 1) conserving the Court's time; 2) minimizing motion practice; and 3) complying with the Sedona Principles of EDiscovery and the Fed. R. Civ. P. 26 and 34: insuring that the parties have a transparent and collaborative discovery process

Respectfully,

/s/

Special Hagan, Esq.

Cc: Dominique Saint Fort
Attorney for Defendants

The objection is overruled. Judge Wang's endorsed order is neither clearly erroneous nor contrary to law. DE #86 resolved.

SO ORDERED:

[Signature] 12/13/19
HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE